

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

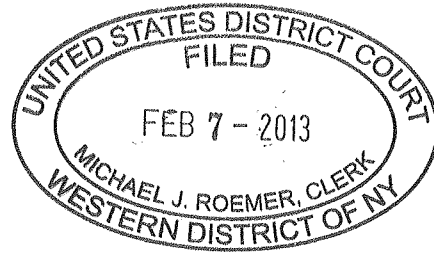
MORGAN COX,

Plaintiff,

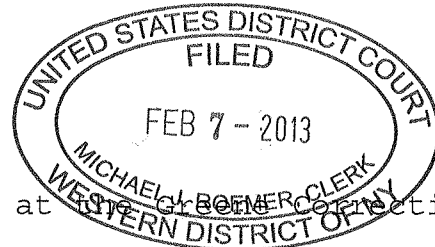
-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



13-CV-0067A
ORDER



Plaintiff, Morgan Cox, an inmate at the Greene Correctional Facility, filed a letter and a document entitled "Notice of Appeal". The letter and Notice of Appeal have been docketed as a complaint challenging a determination of the Social Security Administration denying plaintiff's claim for disability benefits. Plaintiff, however, has not paid the filing fee (\$350.00) nor filed an application to proceed in forma pauperis and a Prison Authorization Form. A "prisoner," see 28 U.S.C. § 1915(h), cannot be granted permission to proceed *in forma pauperis* unless he first either pays the full filing fee or provides the Court with a signed Authorization authorizing the institution in which he is confined to pay the full \$350.00 filing fee. See *id.*, § 1915(b)(1)-(4), and the attached Notice.

Accordingly, the plaintiff has until **March 10, 2013** to (a) either furnish the Court with an application to proceed in forma pauperis which contains a completed Prison Certification Section and a signed Prison Authorization Form (a copy of which is attached

hereto) or (b) pay the full filing fee of \$350.00. If the Court does not receive the application to proceed in forma pauperis and signed Authorization or the full fee on or before such date, **this action will be dismissed without further notice** to the plaintiff.

Plaintiff is also directed to file an amended complaint by that same date, **March 10, 2013**, using the enclosed Social Security Complaint Form so that the Court can determine whether plaintiff has properly and timely exhausted his administrative remedies which is required prior to filing a complaint in the district court. See 42 U.S.C. § 405(g).

IT IS HEREBY ORDERED, that plaintiff must submit to the Clerk of the Court by **March 10, 2013**, either the full filing fee of \$350.00 or an application to proceed in forma pauperis with a completed Prison Certification Section and a Prison Authorization Form;

FURTHER, that plaintiff must file an amended complaint utilizing the Court's Social Security Complaint Form by **March 10, 2013**;

FURTHER, that the Clerk of the Court shall forward to plaintiff with this Order an application to proceed in forma pauperis, a Prison Authorization Form, and a Social Security Complaint Form;

FURTHER, the Clerk of the Court is to close this case as dismissed without prejudice after **March 10, 2013**, if the plaintiff

has not paid the full filing fee or provided the Court with an application to proceed in form pauperis with a completed Prison Certification Section and signed Prison Authorization Form by that date.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: February 5, 2013
Rochester, New York